

## **REMARKS**

Thorough examination of the application is sincerely appreciated.

Applicant thanks the Examiner for indicating allowable subject matter in independent claims 1, 12, 23, 24, and claims dependent therefrom.

### **Objection to the Specification**

In response to the objection, it is respectfully submitted that hyperlinks were not executable when the application was filed. While the hyperlinks are visible (after all, they are not written in invisible ink), they are not executable. The examiner is requested to consult the USPTO Information Technology Department on whether the hyperlinks were inadvertently activated during the scanning of the application into the USPTO database.

In the interest of concluding the prosecution of this application, the alleged hyperlinks are deleted. Only 2 instances of the alleged hyperlinks were found in the application, in contrast to the examiner's allegation of "multiple references." If the examiner is aware of such "multiple references" in addition to those on page 17, he is requested to specifically indicate where they can be found.

Withdrawal of the objection is requested and warranted.

### **Claim rejections under 35 USC 112, second paragraph**

I) Applicant's representative respectfully disagrees with, and explicitly traverses, the rejection of claim 1. However, in the interest of concluding the prosecution of this application, claim 1 has been amended to more clearly define the invention. Withdrawal of the rejection is requested and warranted.

II) Applicant's representative respectfully disagrees with, and explicitly traverses, the rejection of claim 23. However, in the interest of concluding the prosecution of this application, claim 23 has been amended to more clearly define the invention. Withdrawal of the rejection is requested and warranted.

III) Applicant's representative respectfully disagrees with, and explicitly traverses, the rejection of claim 1, 12, 23 and 24 according to this sub-paragraph of the Office Action. Applicant's representative declines to amend the claims, as suggested in the Office Action, because no amendments are necessary for the understanding of the claimed invention.

The examiner's logic is not understood. He suggests unnecessary limitations according to his interpretation/insinuation, not those skilled in the art. It is respectfully requested that the examiner abstain from any such interpretation/insinuation.

If the rejection is maintained, he is respectfully requested to provide either a personal affidavit or an affidavit from a person skilled in the art explicitly stating that the claims are vague and/or ambiguous. In the absence of such affidavit, the rejections cannot be properly maintained.

In addition, applicant's representative is not aware of any statute or case law attributing some substantive meaning to "indentation or clear separation" in a claim. If the rejections are maintained, the examiner is requested to cite a statute from Title 35 of USC, a rule from Title 37 of the Federal Register, or a binding decision by a court of competent jurisdiction to support his assertion. In the absence of such evidence, the rejections cannot be properly maintained and must be withdrawn.

IV) Applicant's representative respectfully disagrees with, and explicitly traverses, the rejection of claim 1, 12, 23 and 24 according to this sub-paragraph of the Office Action.

Applicant's representative declines to amend the claims, as suggested in the Office Action.

The examiner's logic is not understood. Applicant's representative is not aware of any statute or case law on the so-called "ability" and "intended use" as stated in the Office Action. If the rejections are maintained, the examiner is requested to cite a statute from Title 35 of USC, a rule from Title 37 of the Federal Register, or a binding decision by a court of competent jurisdiction to support his assertion. In the absence of such evidence, the rejections cannot be properly maintained and must be withdrawn.

#### **Claim rejections under 35 USC 101**

Applicant's representative respectfully disagrees with, and explicitly traverses, the rejection of claim 1, 12, 23 and 24 according to this paragraph of the Office Action. Applicant's representative declines to amend the claims, as suggested in the Office Action, because Applicant's claims, in their current form, fully comply with the statute. Applicant's claims clearly fall into one of the statutory categories of Section 101, Title 35 of USC. The examiner's logic is not understood. Reconsideration and withdrawal of the rejections are respectfully requested and warranted.

If the examiner still disagrees and maintains the rejections under 35 USC 101, he is respectfully requested to review the following cases for clarification: *In re Warmerdam*, 33 F.3d 1354 (Fed. Cir. 1994), *In re Lowry*, 32 F.3d 1579 (Fed. Cir. 1994), *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995), and the USPTO Guidelines on the statutory subject matter under 35 USC 101.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

January 12, 2007

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